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COMMUNICATION RE: PATENT TERM ADJUSTMENT  
Examining Group 1632  
Patent Application  
Docket No. USF.182XC1  
Serial No. 10/655,873

March 20, 2009

Glenn P. Ladwig

Glenn P. Ladwig, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Marcia Stephens Noble  
Art Unit : 1632  
Applicant : Shyam S. Mohapatra and Mukesh Kumar  
Serial No. : 10/655,873  
Conf. No. : 6872  
Filed : September 5, 2003  
For : Genetic Adjuvants for Immunotherapy

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION REGARDING  
PATENT TERM ADJUSTMENT

Sir:

The applicants received a Notice of Allowance dated February 9, 2009, in the above-identified patent application. The determination of Patent Term Adjustment (PTA) Under 35 U.S.C. 154(b) indicates that the patent for this application would be eligible for 0 days of patent term adjustment. For the record, applicants concur with the Patent Office determination that this patent is not entitled to any days of PTA.

However, a review of the PAIR record shows an apparent 118-day Patent Office delay ending June 26, 2008. The delay appears to be pursuant to 37 CFR §1.703(a)(3) (failure to take certain actions within specified time frames). Applicants believe this is an error in the record.

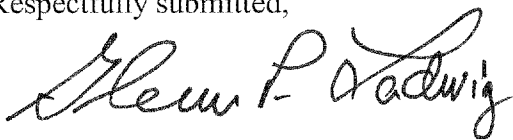
On October 31, 2007, applicants filed, via the Electronic Filing System (EFS), a Request for Continued Examination (RCE) that included a request for suspension of action for 3 months. (A

copy of the RCE filed on October 31, 2007 is attached for reference.) The suspension of action expired on January 31, 2008. Therefore, the next examiner's response was not due until after May 31, 2008. Accordingly, a non-final rejection was mailed on June 26, 2008, which should have constituted only 25 days of Patent Office delay.

Applicants believe that this correction to the record will not alter the current Determination of Patent Term Adjustment. However, applicants respectfully request that the PAIR record be reviewed and corrected to ensure that the determination of any future PTA is correctly indicated on the granted patent.

Applicants do not believe there should be a fee associated with this Communication. But, the Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 that may be required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/655,873
Filing Date	September 5, 2003
First Named Inventor	Shyam S. Mohapatra
Art Unit	1632
Examiner Name	Marcia Stephens Noble
Attorney Docket Number	USF-182XC1

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☒ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of 3 months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees**
- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 19-0065. I have enclosed a duplicate copy of this sheet.
- a. ☒ RCE fee required under 37 CFR 1.17(e) \$405.00
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Fee for suspension of action: \$130.00
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Glenn P. Ladwig</i>	Date	October 31, 2007
Name (Print/Type)	Glenn P. Ladwig	Registration No.	46,853

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Glenn P. Ladwig</i>	Date	October 31, 2007
Name (Print/Type)	Glenn P. Ladwig		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.